

Budget Brief – Career Service Review Board

NUMBER CFGO-07-03

SUMMARY

The Career Service Review Board (CSRB) administers the state's grievance and appeals process. Its policy is to resolve grievances at the lowest possible managerial level. It has hearing officers, is a quasi-judicial body, and hears final administrative appeals. It hears cases related to decisions about promotions, dismissals, demotions, suspensions, written reprimands, wages, violation of personnel rules, benefits, reductions in force, and abandonment of position. It has no jurisdiction over classification grievances and is required to send them to the Department of Human Resource Management. The program has five board members and two full-time staff.

The CSRB conducts pre-hearing conferences in an attempt to mediate cases which come before them. When necessary they conduct jurisdictional, evidentiary, and appellate levels of adjudications. The CSRB uses hearing officers under contract. As such the only ongoing salary costs are for the director and a secretary to research, write and issue legal decisions.

ISSUES AND RECOMMENDATIONS

Prior Budget Increase Report

During the 2006 General Session the Legislature approved a budget increase of \$15,000 for the board. Additional funds were to be used to cover increased hearing costs, primarily due to two factors:

1. Approximately one quarter of all grievances result in a hearing. The director conducts some jurisdictional hearings, but any evidentiary or appellate hearings must be done by a hearing officer or the full board. Hearings officers are independent contractors who have expertise in this segment of the law. The former contract expired at the end of FY 2006 and increased from a rate of \$37.50 per hour to \$40.00 per hour.
2. Hearings are becoming more complex and time consuming due to more employees hiring counsel and more pre-hearings motions to resolve, thus requiring more time for the hearing officer.

The Analyst has reviewed the use of this additional money and found the board is spending it for the purposes for which it was authorized.

Figure 1: Career Service Review Board - Budget History

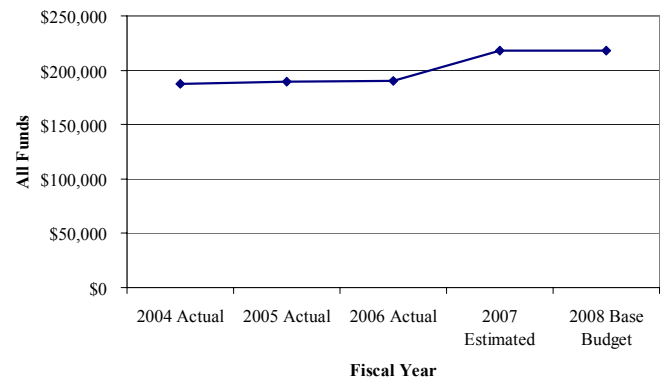


Figure 2: Career Service Review Board - FTE History

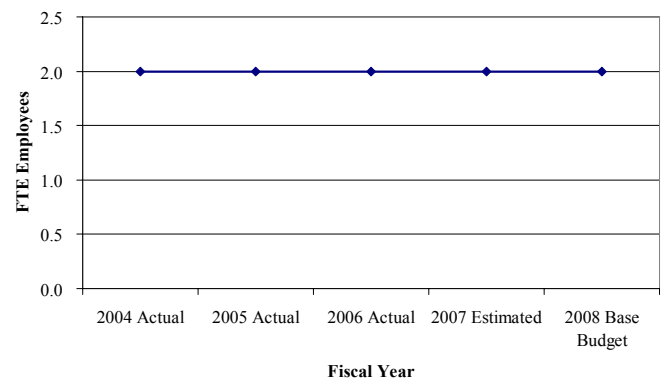
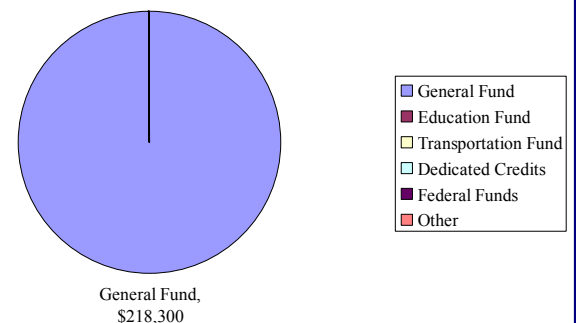
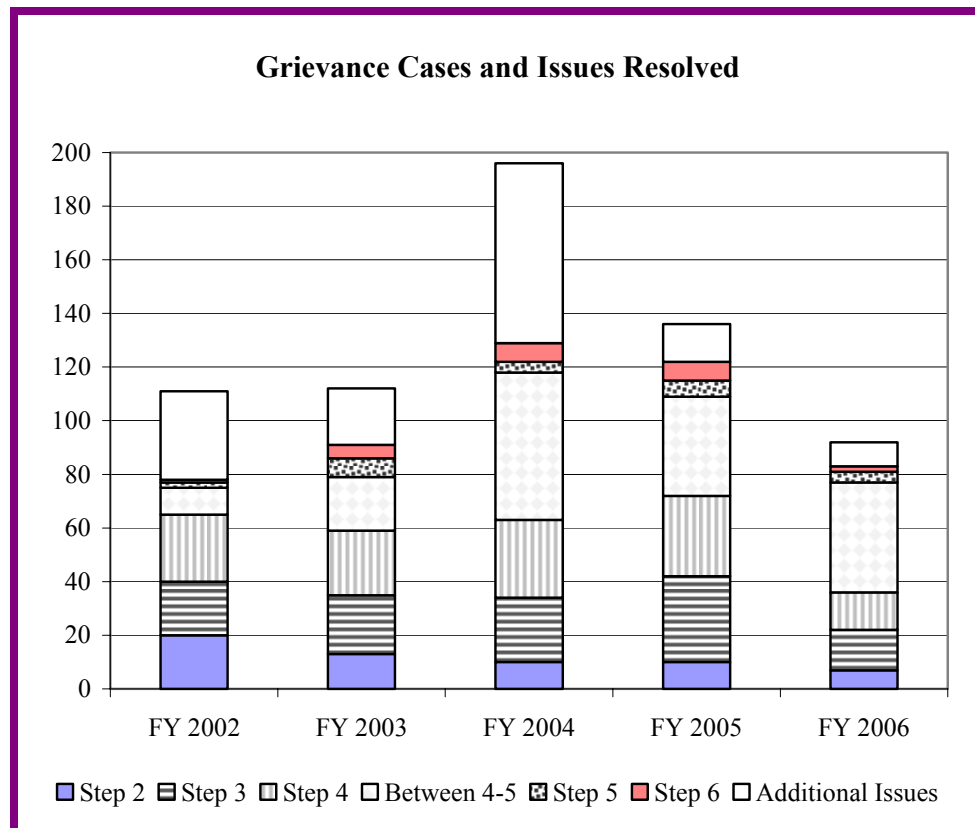


Figure 3: Career Service Review Board - FY 2008 Funding Mix



ACCOUNTABILITY DETAIL***Grievances and Hearings***

One way of measuring the program's workload is by tracking the number of grievance cases resolved by year, as shown below. However, factors should also be considered. Please see the narrative below the chart. The board's goal is to resolve grievances at the lowest possible level and in the most efficient way possible.



Steps: 2=immediate supervisor level; 3=division/agency director level; 4=department head level; Between 4-5=mediation forum; 5=evidentiary hearing; 6=appellate review/board; "Additional Issues"=some cases have multiple issues involved.

While the number of cases is one workload measure, other factors such as complexity of cases should be considered. For example, in recent years cases have become more complex as grievants are almost always hiring attorneys. This increases the time and effort required to resolve cases. The number of grievances increased by 42 percent in FY 2004 but has declined since. Reasons for the FY 2004 increase are uncertain, but the office states that grievances tend to trend upward after multiple years of no or low pay increases. The office is making an effort to reduce the number of grievances heard in an evidentiary hearing (step 5) through mediation and closer scrutiny of grievances. A growing percentage of cases are resolved under mediation, as shown in the chart as "Between 4-5."

BUDGET DETAIL

The board utilizes funding from the General Fund. For FY 2007 the Legislature increased the ongoing budget by \$15,000, as mentioned earlier in this document. This line item carried forward \$42,500 from FY 2002 to FY 2003 because of a gap between the retirement of the previous administrator and the hiring of a new administrator. It usually carries forward some nonlapsing balance, but finished FY 2006 with only \$200 carried forward into FY 2007

Budget Recommendation for FY 2008:

The Analyst recommends a total FY 2008 base appropriation of \$218,300, entirely from the General Fund. No budget increases are recommended at this time.

Intent Language

The Analyst recommends the Legislature adopt the following supplemental intent language for Fiscal Year 2007:

Under terms of UCA 63-38-8.1(3), the Legislature intends not to lapse Item 44, Chapter 1, or Item 46, Chapter 366, Laws of Utah 2006. Expenditure of these funds is limited to: Grievance Resolution - \$5,000.

LEGISLATIVE ACTION

The Analyst recommends the Legislature adopt:

1. A total base appropriation of \$218,300 for the Career Service Review Board, all from the General Fund.
2. Intent language making the FY 2007 appropriation nonlapsing but limited to uses specified in the language.

BUDGET DETAIL TABLE

| Career Service Review Board | | | | | | |
|----------------------------------|-------------------|-------------------------|--------------|--------------------|--------------|-------------------------|
| Sources of Finance | FY 2006 Actual | FY 2007 Appropriated | Changes | FY 2007 Revised | Changes | FY 2008* Base Budget |
| General Fund | 189,800 | 218,300 | 0 | 218,300 | 0 | 218,300 |
| General Fund, One-time | 0 | (500) | 0 | (500) | 500 | 0 |
| Beginning Nonlapsing | 900 | 0 | 200 | 200 | (200) | 0 |
| Closing Nonlapsing | (200) | 0 | 0 | 0 | 0 | 0 |
| Total | \$190,500 | \$217,800 | \$200 | \$218,000 | \$300 | \$218,300 |
| Programs | | | | | | |
| Career Service Review Board | 190,500 | 217,800 | 200 | 218,000 | 300 | 218,300 |
| Total | \$190,500 | \$217,800 | \$200 | \$218,000 | \$300 | \$218,300 |
| Categories of Expenditure | | | | | | |
| Personal Services | 159,400 | 174,200 | (1,800) | 172,400 | 600 | 173,000 |
| In-State Travel | 0 | 300 | 0 | 300 | 0 | 300 |
| Out of State Travel | 0 | 1,100 | 0 | 1,100 | 0 | 1,100 |
| Current Expense | 28,500 | 37,800 | 2,100 | 39,900 | (300) | 39,600 |
| DP Current Expense | 2,600 | 4,400 | (100) | 4,300 | 0 | 4,300 |
| Total | \$190,500 | \$217,800 | \$200 | \$218,000 | \$300 | \$218,300 |
| Other Data | | | | | | |
| Budgeted FTE | 2.0 | 2.0 | 0.0 | 2.0 | 0.0 | 2.0 |
| Actual FTE | 2.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.